

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1009390
Property Description/Address: 400 Washington St. SE, Lot Y, Block 10
Valley View Addn
Date Submitted: September 7, 2012
Submitted By: Diane Grover

Meeting Date/Time: September 6, 2012
Meeting Location: SMPC Architects, 115 Amherst Dr. SE
Facilitator: Diane Grover
Co-facilitator: n/a

Parties:

Michael Marsh, Applicant
Cliff Luckie, Applicant
Nob Hill N. A. ("NHNA")
Highland Business and N. A., Inc. ("HBANA")

Note: Individual names can be found at the end of this report.

Background/Meeting Summary:

At the beginning of the meeting Shannon Beaucaire, ADR Coordinator for the City of Albuquerque, was asked what constitutes a case that will be sent for a facilitated meeting. Shannon explained that the ONC gets involved along with her department, and refers cases for facilitation based on numerous factors. They generally look at larger projects; projects where there is a change to the infrastructure; something that may change the flavor of a given neighborhood or that might be of concern to the community. Alcohol raises a flag, along with anything they feel neighbors might have concerns with. Neighbors can also request meetings by contacting Shannon at sbeaucaire@cabq.gov, 768-4660, or the Office of Neighborhood Coordination (ONC). She stated that the City had been told by NOB that they generally do not want facilitated meetings, but prefer to have applicants contact them and come to their board meetings to present projects directly to them.

Michael Marsh for Albuquerque Brewing Company requests a special exception to Section 14-16-2-17(B)(15): a conditional use to allow the proposed manufacturing and retailing of beer for off premise consumption under a small brewers license for property at 400 Washington SE zoned CCR-3. Michael stated that while sale of wine and beer within the current zoning is allowed, they need the conditional use in order to manufacture the beer on premises.

The applicants are all working full time and proceeding slowly with this venture, and feel they are approximately 25% complete with the research and planning they need to do. The first step in the process was to apply for the conditional use. Their intent is to research fully and create an establishment that appeals to the neighbors and is in keeping with neighbors' desires for the area.

They want a nice establishment with high end beer and high end customers. Since applicants live in the area they believe their wants and needs are in synch with neighbors' wants and needs. Applicants are invested in the area and love their neighborhood.

NHNA Hill had concerns about hearing about this project just 2 weeks and 2 days prior to the hearing date and are used to knowing further in advance of projects that include application for a liquor license. Applicants explained that this conditional use request was the first step they had to take, with approximately 5 other steps prior to applying for the liquor license.

Neighbors were primarily pleased with what they were hearing about applicants' plans. It is important to neighbors that the applicants be responsible owners who have an establishment that attracts a desirable element to the area. Neighbors were pleased that applicants' intent is to have a 3 beer limit. They were also pleased with applicants' plan to bring in food trucks for food service, and to power those trucks with cords from their building rather than with noisy generators.

The biggest concern to neighbors is the Statute relating to prohibition of alcohol sales within 500' of a school (14-16-3-12(a)(11)ROA1994), since Highland High School is within 500' of the proposed establishment. The applicants are aware of this statute and do plan to address this.

Neighbors have been through much of this process before with Tractors, a similar establishment in the area, and have been pleased with their neighbors at Tractors, who have been conscientious about trash and have avoided noise pollution by powering the food trucks from their premises rather than with generators. They feel that they go the extra step and felt comfortable that this was the intent of these applicants as well.

Outcome:

Areas of Agreement:

- Applicant and neighbors agree that running power for food trucks to avoid noisy generators is preferred and applicants are planning to do so
- Neighbors and applicants care about the area and the cleanliness of the area
- Neighbors and applicants are vested in the area
- Neighbors and applicants agree that they don't want a "party" place
- Neighbors and applicants have concerns about compliance with the statute relating to alcohol sales within 500' of a school

Unresolved Issues, Interests and Concerns:

Meeting Specifics:

- 1) Applicant Presentation
 - a) Want to open small brewery on Washington
 - i) Property is already zoned for beer and wine sales
 - ii) Requesting conditional use to allow manufacturing and retailing of beer for on and off premise consumption

- b) Wanted to participate in facilitated meeting to answer questions
 - i) Began question and answer period without further ado
- 2) Neighbors' questions and concerns
 - a) Representative from HBANA
 - i) First heard of this application from facilitator
 - ii) Trying to attract entrepreneurial businesses to be extension of the nice drive down Central
 - iii) Group believes this project has possibilities
 - iv) Concern is the proximity to Highland High school and compliance with statute
 - (1) Statute states alcohol cannot be served within 500' of a school
 - (2) Proposed building appears to be 300-400' from Highland High School
 - b) Location of building(s)
 - i) Applicant will be utilizing the building that looks like a barn
 - ii) Sheet metal Building is Armstrong
 - c) Bottling
 - i) Applicant has not thought through the bottling aspect
 - d) Consumption on site or off site
 - i) Neighbors confused whether on site or off
 - ii) Applicant is planning both on site and off site consumption
 - e) Parking
 - i) Neighbor stated it seems like abundant parking could accommodate many
 - ii) Another neighbor asked if on street parking was allowed at Washington and Coal
 - (1) Applicant stated they would have to look into this
 - (2) A neighbor thought on street parking may be allowed on the North side
 - f) School
 - i) Facilitator stated she contacted principal and invited him to meeting at request of HBANA
 - (1) Principal was busy
 - (2) Principal posted meeting info on school web site
 - (3) Principal reached out to parents and announced the meeting to them
 - (4) Principal will receive an electronic copy of the report.
 - ii) Issues with the school
 - (1) Planned opening time is approximately when school lets out
 - (2) Applicant was open to neighbors' input on hours
 - (3) Neighbors do not want proposed facility to be attractive to alcoholics and prostitutes that are already at the strip on Central around Washington
 - (4) Compliance with statute concerning alcohol sales within 500' of a school
 - g) Food sales
 - i) Applicant is not planning food preparation and sales
 - ii) Applicant plans for food trucks to set up outside and sell there
 - (1) Neighbors requested the facility run cords and supply power to avoid noisy generators, which works well at Tractors (a similar nearby facility)
 - (a) Applicant stated they would not allow generators and do not want the noise
 - (2) One NA representative stated that they get complaints from neighbors about food trucks parking on the streets and blocking the streets

- (a) Applicant stated they have plenty of room in their parking lot and that trucks would not park on the streets
- (3) Number of Trucks
 - (a) Applicant stated they would have one or two
- (4) Neighbor asked if applicant would contract with the food services
 - (a) Concern was seedy looking trucks
 - (b) Applicant stated they did not know enough about trucks to answer that question
 - (c) Neighbor suggested that clientele would help regulate having appropriate food service – bad food or seedy trucks would not draw business
- h) Amendment to sector plan is in process
 - i) Neighbor wanted applicant to be aware so not caught off guard
 - (1) Currently sector plan has more requirements for restaurants than for bars
 - (2) Amendment will require 1 space per 6 occupant
 - ii) Applicant thanked her and said they were already researching that to assure compliance
- i) Occupancy limit
 - i) Applicants were unsure at this time
- j) Indoor or outdoor consumption
 - i) Applicant would like an outdoor patio of some sort
- k) Percentage of research and planning that has been completed
 - i) Applicant reports approximately 25% at this time
 - (1) 3 partners all have full time work besides the brewery
 - (2) They plan to continue working until brewery can sustain them
 - (3) They are moving slowly and trying to be thorough in planning
 - (4) Taking “two steps back” as they discover new ordinances and rules
 - (5) Originally hoped to open by November of this year
 - (6) Now realizing they have another 6 months at the least
 - ii) Applicant goals
 - (1) Want to make sure they do things right
 - (2) Want a nice establishment
 - (3) Want to add to the neighborhood as the applicants live there and are proud of the area
 - (4) Want to be in synch with neighbors and create something the neighborhood can be proud of
 - (5) Are willing to work with neighbors and consider suggestions
- l) Hours of operation
 - i) Not yet set in stone
 - ii) Applicants had discussed maybe 3-11
- m) NHNA had some concerns that they just heard about this application
 - i) Normally hear earlier than 2 weeks and 2 days before hearing
 - ii) Certainly hear earlier about liquor license requests
 - (1) Applicant stated that zoning request had to be made before applying for liquor license; next would be lease
 - (2) Applicant stated there were 5 or 6 things that they had to do before applying for the liquor license which will take 3-9 months

- n) NHNA had concerns about yellow signs being posted
 - i) Applicant stated they've been up since Monday as required
- o) Perspective clients
 - i) People looking for higher quality beer
 - ii) People willing to pay higher prices for quality beer
 - iii) Hoping for people in the neighborhood who can walk and ride bikes
 - iv) Good people
 - v) 3 beer limit will discourage undesirable behaviors
 - (1) Neighbors expressed satisfaction with 3 beer limit
 - vi) Applicants belong to Dukes of Ale which is Albuquerque brewers club.
 - vii) Il Vicino just put up bike racks and they are now full; that's the clientele applicants seek
 - viii) One partner is firefighter and applicants may plan for "Firefighters' Fridays"
 - ix) Not promoting for "party" people
- p) Property/neighborhood maintenance
 - i) Neighbors want focus on cleanup and maintenance with no garbage and nuisance to neighbors, who include nice businesses, residences, condos, attorneys' offices
 - ii) Applicant stated this is their first venture and they want quality
 - iii) Applicant travels San Mateo and Washington every day and values clean neighborhoods
 - iv) Applicants have small children who will be going to school in the neighborhood accounting for shared values with neighbors
- q) Positive comments from neighbors
 - i) Pleased with 3 beer limit
 - ii) NHNA went through this process with Il Vicino which as been successful because the owners care
 - iii) NHNA believes that applicants care
 - iv) Tractors has been a good neighbor and neighbors recommend that applicants look at them.
 - v) Tractors has not attracted bad element to the area
 - vi) NHNA states that running power cords to avoid noisy generators and cleaning up the properties are appreciated by neighbors
 - vii) Neighbors suggested that applicants seem to care and want to add rather than detract from the area.

Action Plan:

- Applicant plans to pursue this conditional use request

Action Items:

- Applicant will move forward carefully with this project
- Applicant will continue to investigate how to legally approach statute concerning distance between establishment and school
- Applicant wants to continue working with neighbors collaboratively

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, September 18, 2012
- 2) Hearing Details:
 - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
 - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
 - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
 - d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Vanessa King
768-4503
vking@cabq.gov

Comments:

Names & Addresses of Attendees:

Lee A. West	HBANA
Susan Michie	NHNA
Greg Weis	NHNA
Tymn Waters	NHNA
Pat Pabisch	HBNA
Olivia Jaramillo	HBNA
Michael Marsh	Albuquerque Brewing Company
Cliff Luckie	Albuquerque Brewing Company